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July 14, 1965

Mr. Melvin M. Belli
Belli, Ashe and Gerry
San Francisco, California

Dear Mr. Belli:

I have just finished reading your book, "Dallas Justice". I found it quite interesting and am writing you, even though you no longer have any connection with the case, because I think you may be interested in some pertinent information in the appended volumes of the Warren Commission, which I have studied and analyzed.

Possibly you are aware of what I am about to call to your attention. I have no way of knowing.

On pages 166-7, with respect to Sergeant Dean and res gestae, and on page 240, with reference to Officer Archer, the sworn testimony at the trial seems to be in less than complete accord with the sworn testimony before the Commission.

In Volume XII, page 412, the testimony of Officer Barnard S. Clardy of March 24, 1964, taken in the office of the United States Attorney, Clardy testified to the interrogation of Ruby upstairs after the shooting of Oswald, saying, "'Did you intend to' -- or, 'Did you think you could kill the man with one shot?' And he said, 'I intended to get off three shots.' Said, 'I didn't think that I could be stopped before I got off three shots.' ..."

Same page: "Mr. Clardy. Further stated, said, 'If I had planned this I couldn't have had my timing better.' Said, 'It was one chance in a million.' Or something to that effect. Said, 'If I had planned this, I couldn't have had my timing any better.'"

Sgt. Dean's testimony, really a deposition taken 8 p.m. March 24, 1964, also in the U. S. Attorney's office, begins on page 415, Volume XII.

Subsequently, at his own demand, Sgt. Dean appeared before the Commission in Washington. On June 8 he was preceded by Henry Wade and followed by Waggoner Carr. Dean's testimony begins on page 254, Volume V. On page 255, Dean declared, "... the main reason I wanted to appear before the Commission was about the 20 or 25 minutes that was off the record that I feel I would like the Commission to have on the record, and this is between Mr. Griffin and I. He was the original one who started my deposition."

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On the bottom of this page and the top of the next, Dean told the story about the Assistant Counsel, Griffin, chasing the court reporter from the room and of then accusing Dean of perjury:

"Well, Mr. Griffin had questioned me about 2 hours, or maybe a little longer. There was no problems at all, no difficulties. And after that length of time, a little over 2 hours, Mr. Griffin desired to get off the record, and he advised the court reporter that he would be off the record and he could go smoke a cigarette or get a Coke, and he would let him know when he wanted him to get back on the record.

"Well, after the court reporter left, Mr. Griffin started talking to me in a manner of gaining my confidence in that he would help me and that he felt I would probably need some help in the future.

"My not knowing what he was building up to, I asked Mr. Griffin to go ahead and ask me what he was going to ask me. He continued to advise me that he wanted me to listen to what he had to say before he asked me whatever question he was going to ask me. I finally told him that whatever he wanted to ask me he could just ask me, and if I knew I would tell him the truth or if I didn't know, I would tell him I didn't know.

"Mr. Griffin took my reports, one dated February 18, the subject of it was an interview with Jack Ruby, and one dated November 26, which was my assignment in the basement.

"He said there were things in these statements which were not true and, in fact, he said both these statements, he said there were particular things in there that were not true, and I asked him what portions did he consider not true, and then very dogmatically he said that, 'Jack Ruby didn't tell you that he entered the basement via the Main Street ramp.'

"And, of course, I was shocked at this. This is what I testified to, in fact, I was cross-examined on this, and he, Mr. Griffin, further said, 'Jack Ruby did not tell you that he had thought or planned to kill Oswald two nights prior.'

"And he said, 'Your testimony was false, and these reports to your chief of police are false.'

"So this, of course, all this was off the record. I told Mr. Griffin then this shocked me, and I told him it shocked me; that I couldn't imagine what he was getting at or why he would accuse me of this, and I asked him, and Mr. Griffin replied he didn't or he wasn't at liberty to discuss that particular part of it with me, and that he wasn't trying to cross-examine me here, but that under cross-examination he could prove that my testimony was false, and that is when I told Mr. Griffin that these are the facts and I can't change them. This is what I know about it.

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"I quoted Ruby just about verbatim, and since he didn't believe me, and I was saying they were true, we might as well terminate the interview.

"Mr. Griffin then got back on the record, or before he did get back on the record, he said, 'Well, now, Sergeant Dean, I respect you as a witness, I respect you in your profession, but I have offered my help and assistance, and I again will offer you my assistance, and that I don't feel you will be subjecting yourself to loss of your job,' or some words to that effect, 'If you will go ahead and tell me the truth about it.'

"I again told Mr. Griffin that these were the facts and I couldn't change them, so with that we got back on the record."

On page 257, Dean reiterated testimony included in his deposition that it was he who had assigned Officer Vaughn to his post.

This is especially interesting because all the police agencies had been warned of a planned attack by 100 armed men. Dean stationed Vaughn all alone at the most vulnerable single point in the entire building. There were 70-some men watching the press inside the building.

You may be interested in Dean's account of why he and not Sorrels testified at the trial about what Ruby allegedly said. This also is on page 257 where Dean quotes Curry as saying, "Well, you are going to have to testify to it because Mr. Sorrels can't because he says he didn't warn Mr. Ruby when he was questioning him." Sorrels came into this group after the police had taken Ruby upstairs and had begun questioning him. Also on this page the Commission finds it has no criticism of Dean for not having included this information in his February 18 report because "he was not asked for any explanation as to why he didn't give it at any earlier time," referring to the deposition taken by Griffin. This deposition was after the trial.

A glance at the index of the Report indicates Griffin was never called upon to testify before the Commission.

Dean's demand to know, "I would like to know why Mr. Griffin had accused me of perjury," is unanswered.

At the end of Dean's appearance before the Commission (page 258), the Commission's Counsel Rankin says, "Waggoner, do you want to take the stand for a minute about that conversation?", apparently referring to what Dean had been testifying to and apparently this is confirmed by the Chairman. Carr testified about a different question. This had to do with a White House telephone inquiry about rumors of a conspiracy.

Dean did not go immediately to the fifth floor. Nor did he have only a single television interview. In Volume XII, on Page 430, he said he stayed in the basement "some few minutes" and that he was interviewed by "several newsmen". He named Tom Pettit of NBC, then Bob Huffaker of KRLD-TV, then said, "but there were several. I don't know - ". At this point he was interrupted by Mr. Griffin, so if he had intended to make a better estimate of the total number of interviews or the total elapsed time, he wasn't given the opportunity. From the basement he went to

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the third floor where he met Curry and Sorrels and after a brief conversation took Sorrels to the fifth floor. By the time he got to the fifth floor, Ruby had been stripped.

Sorrels interrogated Ruby for about ten minutes, according to Dean, but the subject matter "wasn't relative to what I wanted to find out from Ruby, and I just disregarded this from my mind." (See also below, from page 442).

Dean testified that it wasn't until after Sorrels had left that Dean interrogated Ruby about his manner of entrance into the building.

After the interview with Ruby, Dean returned to the basement and then went to the hospital where he arrived about 1 o'clock. He left after receiving a telephone call from Lt. Pierce (the radio log should show his times of departure). At no time did he think it important to recount his interview with Ruby to any of his superiors.

The information elicited allegedly from Ruby on the fifth floor was not spontaneously offered by Ruby but "... we interviewed him up in the jail" (Page 438). The Commission also understood this to be the nature of the exchange because on page 439 Mr. Griffin asked, "When was the next time that you saw Jack Ruby after your interview session with him up there?"

On page 441 at the end of a justification of his off-duty visits to the Carousel ("I knew it was a safe place for an off-duty officer to go ...") Dean revealed that prior to going to the fifth floor he had a further interruption, a conversation with R. C. Nelson.

As to why Dean, an experienced police officer, made no notes of the alleged statement by Ruby prior to February, whereas almost all the various police and sheriff's personnel immediately made statements, all of which are dated within a day or two of the actual assassination, Dean's explanation on page 442 in part reads, "I knew that this would probably be later used as testimony. I felt since it was - did make an impression on me, that I could remember it, and it's written as I do remember, just about as it happened, it correlates pretty well, even though we didn't get together with Mr. Sorrels' report. ... I did feel at the time that I would probably testify to this in court. I did witness Mr. Sorrels taking his notes, and I felt if I had to, since I did witness it, I could use the notes."

The point at which the reporter was dispatched from the room probably occurred on page 443. The remainder of the deposition dealt with an alleged film from Canada.

When the deposition-taking was resumed on April 1, also in the office of the U. S. Attorney, Leon D. Hubert, Jr., Assistant Counsel, had replaced Griffin and Dean was accompanied by his lawyer, Ted McIlasters.

Of course, there are many contradictions between the various versions of the various cops on different occasions.

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On page 166 of your book you say, "Texas law is particularly touchy about the manner in which a defendant's own words may be used in testimony against him. The warning that he is under arrest and that anything he says might be used against him must be made formally in writing to a prisoner in Texas, and he must sign an acknowledgment that he has received it before anything he says may become the subject of future testimony." Can you please supply me the exact language of the statute or the citation?

I have written an unpublished - perhaps unpublishable O book on this subject. Possibly there are some o questions in your mind that I might be able to answer. All of my information is "official" - from the record, which very few have read and even fewer have analyzed. What happened to you and your client in Dallas is nothing in comparison to the as yet untold story.

Sincerely yours,

Harold Weisberg